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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,226	11/13/2003	Jerome A. Maloney	560043-620-640	8486

28997 7590 06/13/2005

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EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,226

Applicant(s)

MALONEY ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/13/2003.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 5, line 8, the Application Number should be provided.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description must provide support for what is claimed as the "extended end portion" in claims 5, 8, 12 and 18.

Claims 1, 4, 13, 16, 18, 22 and 23 are objected to because of the following informalities: In the last line of claim 1, "slide" should be replaced with --slider--. In claim 4, line 2, "an" should be replaced with --a--. In claim 13, line 2, "includes a cam follower surface" repeats a portion of claim 12, line 2. In the penultimate line of claim 16, it is not clear what constitutes the "structure". In the last line of claim 18, "slide" should be replaced with --slider--. In line 1 of claims 22 and 23, "apparatus" should be replaced with --assembly--. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (960) in view of Hollister and either Mahaney or Leininger et al.

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It is first noted that "connected to a dome of said pedestal closure" in claim 1, line 2 and the last line of claim 21 are regarded as positively claiming the pedestal closure throughout the claims. James et al teaches a base 24, 25 mounted on a dome of a pedestal cover 10 by means for attaching 101, a channel between the side walls 25, and a rotator 70 to control a spring-biased latch 29, 30. Hollister teaches a lock mounted on a closure, including a spring-biased 21 slider 9 in a channel 16, 17 and actuated by a rotator 25, 26, including a cam follower surface 27 on an extended end portion of the slider to be actuated by an arm 26 on the rotator. The slider and rotator of Hollister are mounted within a base 11 having smooth, angled surfaces at its top as seen in fig. 3, and a cover 20. Mahaney 34, 30 and Leininger et al 64, 54 teach that it is well known to utilize a drainage port with a channel which houses a lock/latch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a rotator and slider mounted in an angled surfaced base and cover for the key-actuated latch of James et al, in view of the teaching of Hollister, the motivation being to simplify assembly of the lock on the pedestal cover, and since sliding and rotating key-operable latches are well known to be interchangeable in the lock/latch art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide drainage ports with the channel of James et al as modified by Hollister, in view of the teaching of Mahaney or Leininger, the motivation being to prevent corrosion of the latch parts.

Claims 4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al in view of Hollister and Mahaney or Leininger as applied to claims 1 and 3 above, and further in view of Vickers et al (497).

Vickers teaches a hex head 90 in fig. 4 to be operable by a key. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a hex head on the rotator of James et al as modified by Hollister, in view of the teaching of Vickers et al, the motivation being to optimize the torque transferring capacity between the tool/key and the rotator.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (960) in view of Hollister and either Mahaney or Leininger as applied to claim 1 above, and further in view of Yang (417).

Yang teaches a base 7a and a cover 7b each having an opening to receive a rotator 17 as seen in fig. 2A, a slider 13 having a slot to receive the rotator as seen in fig. 2B, an a spring 15 mounted between a side wall and the slider. As seen in fig. 2B, the wall on the slider which is located to the left of the spring 15 in fig. 2B constitutes an abutment or limit stop projection wall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotator/slider of James et al as modified by Hollister to include a rotator received in a slot of the slider and mounted within openings of the base and cover, and a spring mounted between a side wall and slider, in view of the teaching of Yang, the motivation being to provide a compact rotator and slider assembly.

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Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al in view of Hollister, Mahaney or Leininger, and Yang as applied to claim 15 above, and further in view of Dallmann (989).

Dallmann teaches a snap arm(s) 82 and opening 88 for interlocking a base 38 to a cover 36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a snap arm and opening between the base and cover of James et al as modified by Hollister and Yang, in view of the teaching of Dallmann, the motivation being to simplify assembly of the base to the cover.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (960) in view of Hollister and Sullivan et al.

James and Hollister have been discussed above. Sullivan teaches slanted walls and rounded corners (column 5, lines 39-40) on a lock housing 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a rotator and slider mounted in an angled surfaced base and cover for the key-actuated latch of James et al, in view of the teaching of Hollister, the motivation being to simplify assembly to the pedestal cover, and since sliding and rotating latches are well known to be interchangeable in the lock/latch art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide rounded corners on the base of James et al as modified by Hollister, in view of the teaching of Sullivan, the motivation being to prevent tampering with the housing of the slider and rotator.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al in view of Hollister and Sullivan as applied to claim 21 above, and further in view of Litvin.

Litvin teaches a bulge 7 housing a cover 7" and base 4 components of a slider latch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the base and cover of the lock of James et al as modified by Hollister and Sullivan, within a bulge, in view of the teaching of Litvin, the motivation being to further protect the components of the lock from tampering tools and to optimize the strength of the housing for the slider.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

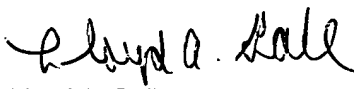
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
June 9, 2005


Lloyd A. Gall
Primary Examiner